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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,478	02/04/2002	Paul R. Mitchell	09620-005002	8129

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FISH & RICHARDSON PC  
225 FRANKLIN ST  
BOSTON, MA 02110

EXAMINER

BOYKIN, TERRESSA M

ART UNIT	PAPER NUMBER
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1711

DATE MAILED: 05/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/067,478

Applicant(s)

MITCHELL, PAUL R.

Examiner

Terressa M. Boykin

Art Unit

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 5-28-02; 1-28-03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-19 is/are allowed.
- 6) ☒ Claim(s) 1-15, 20 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 1711

**Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-15, 20, 21 are rejected under 35 U.S.C. 102(b) as being anticipated by USP 6097907, Note col. 3 lines 60-70, col. 4 lines 47-64, col. 8 lines 57-63, figures 2,3, and 5.

USP 6097907 discloses a Developer container, process cartridge, developer sealing member and sealing method. Although the overall reference is directed to a developer container, it should be particularly noted that the sealing member anticipates applicants claimed invention. For instance, the reference discloses that the sealant layer formed on the substrate may preferably contain a dispersed material comprising a thermoplastic elastomer, examples of which may include styrene(-type) elastomers, olefin(-type) elastomers, urethane(-type) elastomers, ester(-type) elastomers and amide(-type) elastomers. Examples of styrene(-based) elastomers may include one comprising a hard segment of polystyrene (PS) and a soft segment of polybutadiene (PB) or polyisoprene, one comprising a hard segment of PS and a soft segment of hydrogenated polybutadiene, one comprising a hard segment of PS and a soft segment of hydrogenated polyisoprene, and one comprising a hard segment of PS and a soft segment of hydrogenated PS-butadiene rubber.

The reference notes that at least one species selected from the above-enumerated thermoplastic elastomers may be used as a preferable dispersed material in the sealant layer. It is further preferred to use a styrene elastomer comprising a combination of a hard segment of PS and a soft segment of hydrogenated polybutadiene or hydrogenated polyisoprene (SBS copolymer or SIS copolymer), or a combination of a hard segment of PS and a soft segment of hydrogenated styrene-isoprene-styrene block copolymer (SIS copolymer). The developer container may basically comprise a shaped body of any plastic material but may preferably comprise a shaped body of a thermoplastic resin, particularly an impact-resistant thermoplastic resin, such as impact-resistant polystyrene (HIPS), acrylonitrile-butadiene-styrene copolymer (ABS), or polycarbonate/acrylonitrile-butadiene-styrene copolymer (PC-ABS). It is also possible to use polyphenylene oxide (PPO) or modified PPO, particularly one containing HIPS as a modifying component.

As described above, the sealant layer D contains a dispersed material, which may preferably be a thermoplastic elastomer, and optionally a tackifier and/or a slipping or

Art Unit: 1711

release agent, as desired, so as to provide a good balance between sealing performance and easy peelability. A sealing member was prepared in the same manner as in Example 1 except for the use of styrene-butadiene-styrene copolymer elastomer (SBS) instead of SEBS as the dispersed material in the sealant layer. By using the sealing member otherwise in the same manner as in Example 1, a sealed developer container was prepared and evaluated.

The reference states that a sealing member was prepared in the same manner as in Example 10 except for the use of hydrogenated styrene-isoprene-styrene copolymer elastomer (SIS) instead of hydrogenated SBS copolymer elastomer as the dispersed material in the sealant layer. By using the sealing member otherwise in the same manner as in Example 10, a sealed developer container was prepared and evaluated.

With regard to applicants' claim 1 drawn to a method of making a multilayer tear tape material comprising coextruding a layer comprising thermoplastic resin material and an outer layer comprising adhesive. Note col. 3 lines 60-70, col. 4 lines 47-64, col. 8 lines 57-63, figures 2,3, and 5. (Note also applicants' claim 2 including 25% by weight of the outer layer, claim 3 from 5 to 15% by weight of the outer layer and claim 5.)


With regard to applicants claim 4, 6 and 7 in which the adhesive comprises ethylene vinyl acetate based adhesive.

In view of the above, there appears to be no significant difference between the reference and that which is claimed by applicant(s). Any differences not specifically mentioned appear to be conventional. Consequently, the claimed invention cannot be deemed as novel and accordingly is unpatentable.

#### **Correspondence**

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Examiner Terressa Boykin, via the receptionist whose telephone number is (703) 308-2351. The examiner can normally be reached on Monday through Friday from 8:00a.m.-5:30 p.m.

tmb

  
**Examiner Terressa Boykin**  
**Primary Examiner**  
**Art Unit 1711**